



Eric Gonzalez
District Attorney

**DISTRICT ATTORNEY
KINGS COUNTY**

350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: **[INSERT CASE NAME]**
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: MARTIN CUNNINGHAM

MOS TAX: 946888

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

MOS CUNNINGHAM PLED GUILTY TO THE FOLLOWING CHARGES AND SPECIFICATIONS ARISING FROM AN INCIDENT ON 12/21/17 WHILE OFF DUTY AND ASSIGNED TO THE 71ST PRECINCT:

ALLEGATION(S):

1. MOS CUNNINGHAM FAILED AND NEGLECTED TO PROPERLY SAFEGUARD HIS OFF-DUTY FIREARM, A SMITH AND WESSON 9MM, RESULTING IN THE LOSS OF SAID FIREARM.
2. MOS CUNNINGHAM FAILED AND NEGLECTED TO PROPERLY SAFEGUARD HIS OFFDUTY FIREARM AND SHIELD, THE LOSS OF WHICH SAID MOS CUNNINGHAM FAILED TO REPORT.
3. MOS CUNNINGHAM FAILED AND NEGLECTED TO PROPERLY SAFEGUARD HIS SHIELD, RESULTING IN THE LOSS OF SAID SHIELD.

ACTION TAKEN: MOS WILL FORFEIT ALL DAYS ALREADY SERVED AND SEVENTEEN (17) DAY SUSPENSION.

CASE STATUS: CLOSED ON 03/21/19.

Disclosure # 2:

MOS CUNNINGHAM PLED GUILTY TO THE FOLLOWING CHARGES AND SPECIFICATIONS ARISING FROM AN INCIDENT ON 10/11/17 WHILE ON DUTY AND ASSIGNED TO THE 71ST PRECINCT:

ALLEGATION(S):

1. MOS CUNNINGHAM WRONGFULLY ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY AND DISCIPLINE OF THE DEPARTMENT, TO WIT: SAID MOS USED INAPPROPRIATE AND DISPARAGING LANGUAGE DURING A CONVERSATION WITH ANOTHER UNIFORMED MEMBER OF THE SERVICE THAT WAS CAPTURED ON A DEPARTMENT ISSUED BODYWORN CAMERA.

ACTION TAKEN: MOS FORFEITED FIFTEEN (15) VACATION DAYS

CASE STATUS: CLOSED ON 03/21/19.

Disclosure # 3:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 0 6/28/19, AGAINST MOS CUNNINGHAM:
ALLEGATION(S):

1. BODY WORN CAMERA - FAIL TO ACTIVATE
- ACTION TAKEN: SCHEDULE A COMMAND DISCIPLINE
CASE STATUS: CLOSED ON 07/31/19

Disclosure # 4:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

PLAINTIFF	DOCKET	COURT	FILED	DISPOSED	DISPOSITION
Caleb Cedant	14-CV-4791	E.D.N.Y.	8-12-14	9-22-15	Settlement, without admission of fault or liability
Ronald Sylvester	18-CV-6023	E.D.N.Y.	10-28-18	05-06-19	Settlement, without admission of fault or liability
Leyson Vargas	11855-2015	Kings Cty Sup. Ct.	10-04-13		Pending

IN ADDITION, OUR OFFICE IS AWARE OF THE FOLLOWING CIVIL ACTION(S):

1. MARK THOMAS V. CITY OF NEW YORK, ET AL, 19137/2012 FILED IN KINGS COUNTY CIVIL COURT

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:**Disclosure # 5:**

CCRB CASE: 201404897

REPORT DATE: 05/18/2014

INCIDENT DATE: 05/02/2014

SUBSTANTIATED CCRB ALLEGATION(S):

1. ABUSE – QUESTION

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT NOTED – FAILURE TO PREPARE MEMOBOOK ENTRY

NYPD DISPOSITION: NYPD ISSUED FORMALIZED TRAINING

Disclosure # 6:

CCRB CASE: 201904595

REPORT DATE: 05/28/2019

INCIDENT DATE: 03/01/2019

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT NOTED - IMPROPER USE OF BODY-WORN CAMERA

Eric Gonzalez
District Attorney
Kings County